

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KENDRICK LINDSEY, ALBERT JONES,)
BRIAN MARGULIS, MARK)
MARQUARDT, JAMES MITCHELL,)
JEROME NORMAN, DAVID POTTER,)
BRUTUS ANTHONY RANDLE, JR.,)
RICKY RIGGS, MONSERRATE RIVERA,)
MATT SOKOL, R.L. WASHINGTON,)
RICHARD WILLIAMS, ARNOLD)
WILSON, GEORGE ADAMS, SYED)
AHMED, NINO ANDERSON, VAN NESS)
BIANCARDI, IVAN BOTTOM, PANDU)
BOYAPALLY, EMMITTE BROWN,)
LEWIS BROWN, DAVIS BYRD, JACK)
CALATAYUD, DANIEL CAMPBELL,)
PHILLIS CAVIN, DWIGHT DYSON,)
STEVEN GRAY, STEPHAN GREEN,)
WILLIAM GREEN, PAUL HARRIS,)
WILLIE HILL, JR., KEVIN HODGES,)
DARRYL HOLLOWAY, ROBERT)
HOLMAN, CORNELIUS PAXTON,)
CHARLES WILLIAMS, JOSEPH)
MORAST, ANTHONY MOSCA,)
GREGORY TURNER, THOMAS R.)
DAVISON, JR., JEROME DELOACH,)
MARCUS DELOUTH, ANTHONY DIAZ,)
EUGENE DIGGS III, CHARLES DILL,)
CHARLES DILLIHAY, CHARLES)
DILLON, JOHN DITALIA, DARRYL)
DOCKERY, SYLVESTER DOTSON,)
ROBERT DOUGLAS, CARY DUKES,)
MARK DUKES, KURT DUMESNIL,)
RONNIE DUNCAN, DESMOND EASON,)
SEAN EASON, RON EASTMAN, TIM)
EDWARDS, CHARLES EDWARDS,)
CHAUNCEY ELLISON, GREALIN ELY,)
KEVIN EMERY, CLINTON ERICKSON,)
ROBERT ERNST, MICHAEL)
ESCALANTE, JOHNSTON ESECHIE,)
BOBBIE EVANS JR, HENRY FARR,)
KERRY FARR, EDWARD FAULK, ERIEL)
FAVORS, ALEXANDER FEARS, DAVID)
FEASTER, BEN FERNANDEZ, LEE)
FERRIER, ARAMIS FIGLTEROA,)
AARON FINNEY, ALBERTO FLORES,)

CASE NO. 3:16-cv-223

**JURY TRIAL DEMANDED
ON ALL COUNTS**

CECIL FOMBY, STEVEN FOREMAN,)
LOUIS JOSEPH FORNS, RAYMOND)
FORSTER, EDWARD FOUCHIA, MARK)
FOWLKES, BRYAN FREITAS, WILLIAM)
FRYER, ALLEN GAINES, NELSON)
GARCIA, LONNIE GARNER, ANDREW)
GARRAWAY, JAMES O. GATES, MS.)
KAREN GEORGE, CHARLIE GIBSON,)
CHARLES GILES, ROBERT GIPSON,)
KEITH GLEETON, KEITH GOFORTH,)
RONALD GOLNICK, ROBERT)
GONZALES, LARRY GOODMAN,)
GREGORY GRANBERRY, PATRICK)
GRAY, WILLIAM GREEN, MICHAEL)
GREENE, ALBERT LEE GREGORY,)
RONNIE GREGORY, MATTHEW)
GRIFFIN, PAUL GRIFFIN, RONALD)
GUERRERO, KARL GUNTHER, AL)
GUYTON, RAYMOND GUZMAN, TERRY)
HAIG, GERALD HALL, JOHNNY HALL,)
DERRICK HALL, MS. KEITH)
HAMILTON, ROBERT HAMPTON SR.,)
ANTHONY HAMPTON, ROBERT)
HAMRICK, MS. KIM HARDMON, MIKE)
HARM, MICHAEL HARRIS, LUTHER)
HARRIS, SIDNEY HARRIS, PIERRE)
HARRISON, DWAYNE HARVEY,)
LARRY HATFIELD, FREDERICK)
HAWKINS, PAUL HAYNES, STEPHEN)
HEFFNER, PAUL HENDERSON,)
STEVEN HENDERSON, GEORGE)
HENNION, HAROLD HENSLEY,)
HECTOR M HERNANDEZ, JAMES)
HIGGINBOTHAM, HASTING)
HIGHTOWER, KENNETH HILLS,)
CESAR HINOJOSA, RONALD HISHAW,)
DARWIN HODGES, DONNIE HOLDEN,)
RONALD HOLDER, GREG HOLMES,)
CALVIN HOOKER, JULIUS HOUSTON,)
DONALD HOWARD, LAWRENCE)
HOWARD, NATHAN HOWARD, FRANK)
HOYDICK, WILLIE HUDSON,)
RANDALL HUGGINS, JEFFREY)
HUGHES, CHARLES HUMPHREY,)
BARRY HUNTER, MARVIN HUNTER,)
KEVIN HURLEY, JAMES INGRAM,)

BILLY ISHLTP, HAMPTON ISOM,)
 BAXTER JACKSON, DEBRA JACKSON,)
 WILLIE JACKSON, MIKE JACOBI,)
 SHAHAB JAMY, HOUSTON)
 JEFFERSON, KEVIN JEFFERSON, MRS.)
 KENNY JENKINS, VINCENT JENKINS,)
 CLARENCE JOHNICAN, JAMES)
 JOHNSON , ELISHA JOHNSON,)
 GRAYDON JOHNSON, GREG JOHNSON,)
 JOHNNY JOHNSON, BERNARD)
 JOHNSON, TERRELL JOHNSON,)
 WILLARD W. JOHNSON, ROBERT)
 JOHNSON, ROCKY JOHNSON,)
 WELDON JOHNSON, ANTHONY JONES,)
 EGBERT JONES, GREGORY JONES,)
 JAMES EARL JONES, ANTHONY)
 JONES, CARY JONES, CHARLES R.)
 JONES, DARRELL JONES, KARL)
 JONES, KENNY JONES, MICHAEL)
 JONES, RICHARD JONES, RONALD C.)
 JONES, ROBERT JONES, STERLING)
 JONES, THOMAS JONES, JOEL)
 JORDAN, BOBBY JORDAN, PAUL)
 KELLY, KIP KENNEDY, JAMES)
 KERKONDIS , MARCUS KIMBROUGH,)
 OTIS KING JR., DENNIS KITCHEN,)
 CLINTON KITCHENS, MICHAEL)
 KNOX, JOHN KRAHLING , DAN KRAUS,)
 PATRICK KUTA, WILLIAM LAFFERTY,)
 ZACHARY LARUE, PAUL LATOUR,)
 WILLIAM LAWLOR, JASON LAYHUE,)
 KENNETH LEE, MIKE LEFEVER,)
 RODERICK LETT, EARL LEVELS,)
 ANTHONY LEWIS, LLEWELLYN)
 LEWIS, CURTIS LILLY, JOSEPH LINES,)
 CURTIS LITTLE, JESSIE LOGAN,)
 ARMEL LONG, GARY LONG, RALPH)
 LONG, EDWIN LOPEZ, FILIBERTO)
 LOPEZ, HERMAN LUCERO, EMMIT)
 LUCKETT, PHIL LUND, JUSTIN LYNN,)
 KENNETH MADDEN, JERRY MADDOX,)
 JOE MADKINS, ANTHONY MAFFEI ,)
 BOB MAJOR, KENNETH MANFREDI,)
 DALLAS MANUEL II, LARRY)
 MARCHBANKS, ALFREDO MARES,)
 RODERICK L. MARSHALL, WILLIAM)

MARSHALL, GREGORY MARTIN,)
ERNEST M. MARTIN, KELVIN MARTIN,)
)
Plaintiffs,)
)
v.)
)
COMBE INCORPORATED;)
COMBE PRODUCTS, INC.;)
COMBE LABORATORIES, INC.;)
and COMBE INTERNATIONAL)
LTD)
)
Defendants.)

NOTICE OF REMOVAL

Defendants Combe Incorporated, Combe Products, Inc., Combe Laboratories, Inc., and Combe International, Ltd. (collectively “Defendants” or “Combe”), through its undersigned attorneys, hereby give notice of the removal of this action, pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453, to the United States District Court for the Southern District of Illinois from the Circuit Court of St. Clair County, Illinois where it was pending as No. 16-L-0017. The above-captioned case is being removed pursuant to the “mass action” provision of the Class Action Fairness Act (“CAFA”). As grounds for removal, Combe states as follows:

I. PARTIES AND NATURE OF THE CASE

1. This product liability action combines the claims of 251 Plaintiffs from 37 states and Puerto Rico alleging that they used Combe’s Just for Men® hair dye products (herein collectively referred to as “Just For Men®”) and allegedly suffered personal injury, namely, various skin reactions. The 251 Plaintiffs each assert strict liability claims for manufacturing defect, design defect, inadequate warning, and nonconformance with representations, as well as claims for negligence and breach of express and implied warranties, and negligent representation and fraud.

2. The same Plaintiffs’ counsel has filed four other carbon copy cases in St. Clair County against Combe, each joining well more than 100 Plaintiffs. *See Johnnie Brim, et al. v. Combe Incorporated, et. al.*, Case No. 16-L-0018; *Renoldo Brownlee, et al. v. Combe Incorporated, et. al.*, Case No. 16-L-0015; *Donivan Lasley, et al. v. Combe Incorporated, et. al.*, Case No. 16-L-0016; *Demarco Martin, et al. v. Combe Incorporated, et. al.*, Case No. 16-L-0014. Contemporaneous with this filing, Combe filed separate removal papers in this Court for each of those cases.¹

3. Plaintiffs’ counsel clearly contemplates mass litigation of these claims. In St. Clair County alone, Plaintiffs’ counsel filed claims for over 1,100 individuals concerning Just for Men® products across five cases. Although Combe believes these personal injury claims concerning the use of Just For Men® products should be tried individually, based on the complaints filed in state court, these cases belong in federal court as “mass actions” under CAFA.

II. THIS CASE IS REMOVABLE AS A “MASS ACTION” UNDER CAFA

4. An action is a removable mass action where it meets the following requirements: (a) the monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that their claims involve common questions of law or fact; (b) the aggregate amount in controversy exceeds \$5 million and the claims of the individual plaintiffs each exceed \$75,000; and (c) any plaintiff is a citizen of a state different from any defendant. *See* 28 U.S.C. §

¹ In addition, Plaintiffs’ counsel filed six cases in the Circuit Court for the City of St. Louis, Missouri. *Robert Beene, et al. v. Combe Incorporated, et. al.*, Case No. 1622-CC00058; *Curtis Henderson, et al. v. Combe Incorporated, et. al.*, Case No. 1622-CC00054; *Stan Joseph, et al. v. Combe Incorporated, et. al.*, Case No. 1622-CC00060; *Antony Perkins, et al. v. Combe Incorporated, et. al.*, Case No. 1622-CC00061; *Rickey Shaver, et al. v. Combe Incorporated, et. al.*, Case No. 1622-CC00064; *Thurman Thomas, et al. v. Combe Incorporated, et. al.*, Case No. 1622-CC00056. Each of those cases have approximately 20 Plaintiffs. They are also being removed to the Eastern District of Missouri.

1332(d)(11)(B)(i); 1332(a)(d)(2); and 1332(d)(2)(A); *see also Gilmore v. Bayer Corp.*, No. 09-986-GPM, 2009 WL 4789406 at *2 (S.D. Ill. Dec. 9, 2009).

5. For reasons that follow, this action satisfies each of the jurisdictional requirements for removal of a mass action.

A. It is Proposed that the Claims of More than 100 Persons be Tried Jointly.

6. The mass action provision provides for federal jurisdiction where the “monetary relief claims of 100 or more persons are proposed to be tried jointly on the grounds that the plaintiffs’ claims involve common questions of law or fact.” 28 U.S.C. § 1332(d)(11)(B)(i)

7. Although each Plaintiff’s claim will center on individual issues of reliance, product misuse, warnings causation, medical causation, and the like, Plaintiffs’ identical allegations concerning product design and warnings meet the bare statutory standard of “involv[ing] common questions of law or fact” given that they each relate to Plaintiffs’ use of Combe’s Just for Men® hair dye products.²

8. It is well established in the Seventh Circuit that where plaintiffs plead claims concerning a common alleged harm, that plaintiffs are necessarily proposing one joint trial for purposes of removal under CAFA. *See e.g., Bullard v. Burlington N. Santa Fe Ry. Co.*, 535 F.3d 759, 762 (7th Cir. 2008); *accord Koral v. Boeing Co.*, 628 F.3d 945, 947 (7th Cir. 2011).

9. In *Bullard*, the court held that a complaint joining the claims of 144 plaintiffs for injury allegedly resulting from the design, manufacture, and use of chemicals in a wood-processing plant necessarily satisfied CAFA’s “joint trial” requirement. 535 F.3d at 761. The court rejected plaintiffs’ argument that the case should be remanded because the complaint did

² Combe in no way concedes any Rule 23 issue, in the event Plaintiffs’ counsel seeks to pursue class treatment of alleged economic or other harms concerning use of Just for Men®. CAFA’s “common questions of law or fact” standard necessary for jurisdiction is wholly independent of Rule 23 considerations concerning the appropriateness of class treatment.

not expressly allege the claims would be tried together. *Id.* at 762. The court affirmed the district court’s determination that “one complaint implicitly proposes one trial.” *Id.*; *see also Koral v. Boeing Co.*, 628 F.3d 945, 947 (7th Cir. 2011) (“the proposal [for a joint trial] can be implicit, as where a single complaint joins more than 100 plaintiffs’ claims without proposing a joint trial, for the assumption would be that a single trial was intended—one complaint, one trial, is the norm”) (citation omitted); *Gilmore*, 2009 WL 4789406 at *3 (finding product liability claims against a drug manufacturer presented common questions sufficient to satisfy CAFA’s mass action removal requirements).

10. Accordingly, the “tried jointly” requirement is satisfied here because the First Amended Complaint contains the claims of 251 persons that involve some common questions of law or fact in that all Plaintiffs allege to have used the Just For Men® products.

B. The Amount in Controversy Requirement is Satisfied.

11. Both the individual \$75,000 and aggregate \$5,000,000 amount in controversy requirements for mass action removal are satisfied. *See* 28 U.S.C. §§ 1332(a), (d)(2), (d)(11)(B)(i).³

12. First, the Amended Complaint allegations facially demonstrate that the alleged amount in controversy for each individual exceeds \$75,000, exclusive of interest and costs. Each Plaintiff alleges “the amount in controversy exceeds \$50,000, exclusive of interests and costs, the

³ Combe does not concede that Plaintiffs are in fact entitled to recover any damages. *See e.g., Kelderman v. Remington Arms*, 734 F. Supp 1527, 1528 (S.D. Iowa 1990) (rejecting plaintiffs’ attempt to “place [a] defendant in the awkward position of embracing a concession on the important issue of damages” to establish jurisdiction). Rather, Combe merely is stating that the “stakes” in this litigation exceed \$75,000 individually and \$5,000,000 in the aggregate. *Back Doctors Ltd. v. Metro. Prop. & Cas. Ins. Co.*, 637 F.3d 827, 829 (7th Cir. 2011) (defining CAFA’s “amount in controversy” requirement as allowing “the removal of class actions in which the stakes exceed \$5 million”).

jurisdictional minimum of this Court.” (Compl. ¶11).⁴ Plaintiffs further allege that Just for Men® products create a risk of “burns, scarring, allergic reactions, anaphylactic shock, skin depigmentation, and other severe injuries.” (Compl. ¶ 36). Plaintiffs specifically allege they “suffered a severe reaction to Just for Men® including but not limited to redness, swelling, irritation, sores, blisters and burning.” (Compl. ¶¶ 105-606).

13. Each Plaintiff also claims “severe physical injuries” including “substantial pain, suffering and embarrassment.” (Compl. ¶ 607). Each Plaintiff claims that they “have incurred significant expenses for medical care and treatment, and will incur such expenses in the future.” *Id.* They also claim economic loss, and that they “have otherwise been physically, emotionally and economically injured.” *Id.* Plaintiffs claim their “injuries and damages are permanent and will continue into the future.” *Id.*

14. Given these allegations of serious personal injuries and that Plaintiffs expressly seek unlimited compensatory damages for their injuries, defendants have shown that more than \$75,000 is in controversy and it is facially apparent from the complaints that the amount in controversy exceeds the jurisdictional minimum. *See, e.g., Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (U.S. 2014) (“a defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold”).

15. *Meridian Sec. Ins. Co. v. Sadowski*, 441 F.3d 536, 541-42 (7th Cir. 2006) (“proponent's estimate of the claim’s value must be accepted unless there is ‘legal certainty’ that the controversy's value is below the threshold”) (citations omitted); *see also id.* at 541 (‘Whether damages will exceed \$75,000 is not a fact but a prediction, and with respect to that subject the

⁴ Plaintiffs’ demand for “in excess of” the Illinois courts’ \$50,000 jurisdictional limit does not limit Plaintiffs’ damages to \$50,000. Under both Illinois and federal law, the prayer for relief on a complaint does not limit the relief available. *BEM I, L.L.C. v. Anthropologie, Inc.*, 301 F.3d 548, 552 (7th Cir. 2002); *see* 735 ILCS 5/2-604.

court must decide whether to a legal certainty . . . the claim is really for less than the jurisdictional amount.’) (internal quotation omitted).

16. In numerous personal injury and product liability actions with alleged injuries similar to or less severe than those alleged here, the Seventh Circuit and courts in this district circuit have found the jurisdictional minimum requirement met. For example, in *Andrews v. E.I. Du Pont De Nemours & Co.*, 447 F.3d 510 (7th Cir. 2006), the Seventh Circuit held that the jurisdictional minimum was satisfied where the complaint alleged “severe and permanent” injuries to plaintiffs’ head, ribs, and back and sought damages “in excess of \$50,000” for lost earning potential, pain, and past and future medical expenses. *See id.* at 514.⁵

17. Where liability is established, product liability claims in Illinois state courts likewise typically result in substantially more than \$75,000 verdicts. *See e.g., Blue v. Env’tl. Eng’g, Inc.*, 828 N.E.2d 1128, 1135 (Ill. 2005); *Hansen v. Baxter Healthcare Corp.*, 198 Ill. 2d 420, 439 (Ill. 2002); *Proctor v. Upjohn Co.*, 291 Ill. App. 3d 265, 268, 287 (Ill. Ct. App. 1997); *Kochan v. Owens-Corning Fiberglass Corp.*, 242 Ill. App. 3d 781, 787 (5th Dist. 1993).

18. Second, CAFA provides for district court jurisdiction over a mass action where “the matter in controversy exceeds the sum or value of \$5,000,000.” 28 U.S.C. § 1332(d)(2); *see id.* § 1332(d)(6) (“In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of

⁵ *See also, e.g., Sargent v. Cassens Corp.*, No. 06-1042, 2007 WL 1673289, at *9-11 (S.D. Ill. June 7, 2007); *Hill v. Olin Corp.*, No. 07-0054, 2007 WL 1431865, at *3 (S.D. Ill. May 14, 2007); *Sandage v. Cottrell, Inc.*, No. 05-0720, 2006 WL 2710647, at *3 (S.D. Ill. Sept. 20, 2006); *Fields v. Jay Henges Enters., Inc.*, No. 06-323, 2006 WL 1875457, at *4-5 (S.D. Ill. June 30, 2006); *see generally McCoy v. Gen. Motors Corp.*, 226 F. Supp. 2d 939, 941 (N.D. Ill. 2002) (“courts have routinely held that when plaintiffs allege serious, permanent injuries and significant medical expenses, it is obvious from the face of the complaint that the plaintiffs’ damages exceeded the jurisdictional amount”) (collecting cases).

\$5,000,000, exclusive of interest and costs.”); *id.* § 1332(d)(11)(A) (applying § 1332(d)(2) to mass actions). The aggregate amount of monetary relief sought by all of the Plaintiffs is well in excess of \$5 million. As shown above, each Plaintiff has placed more than \$75,000 in controversy, meaning that the 251 Plaintiffs seek more than \$18 million in the aggregate—well over the \$5 million statutory measure. Thus, CAFA’s \$5 million threshold is plainly met.

C. The Minimal Diversity Requirement is Satisfied.

19. Mass action removals require “minimal diversity” of citizenship, *i.e.* that at least one plaintiff is not a citizen of the same state as at least one defendant. *See* 28 U.S.C. § 1332(d)(2)(A); (d)(11)(A). The minimal diversity requirement for mass action removal is satisfied.

20. Combe Incorporated is, and at the time of the filing of this action was, a Delaware Corporation with its principal place of business in New York.

21. Combe Products, Inc. is, and at the time of the filing of this action was, a Puerto Rico Corporation with its principal place of business in Puerto Rico.

22. Combe Laboratories Inc. is, and at the time of the filing of this action was, an Illinois Corporation with its principal place of business in Illinois.

23. Combe International, Ltd. is, and at the time of the filing of this action was, a Delaware Corporation with its principal place of business in New York.

24. As set forth below, Plaintiffs are citizens of 31 states and Canada. Accordingly, minimal diversity is easily established here. For example, John Lewis is a citizen of Texas, (Compl. ¶ 189), and none of the Combe defendants are citizens of Texas. Indeed, there is minimal diversity in this lawsuit.

25. Kendrick Lindsey is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 105).

26. Albert Jones is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 107).

27. Brian Margulis is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 109).

28. Mark Marquardt is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 111).

29. James Mitchell is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 113).

30. Jerome Norman is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 115).

31. David Potter is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 117).

32. Brutus Anthony Randle, Jr. is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 119).

33. Ricky Riggs, is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 121).

34. Monserrate Rivera is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 123).

35. Matt Sokol is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 125).

36. R.L. Washington is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 127).

37. Richard Williams is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 129).

38. Arnold Wilson is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 131).

39. George Adams is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 133).

40. Syed Ahmed is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 135).

41. Nino Anderson is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 137).

42. Van Ness Biancardi is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 139).

43. Ivan Bottom is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 141).

44. Pandu Boyapally is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 143).

45. Emmitte Brown is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 145).

46. Lewis Brown is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 147).

47. Davis Byrd is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 149).

48. Jack Calatayud is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 151).

49. Daniel Campbell is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 153).

50. Phillis Cavin, is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 155).

51. Dwight Dyson is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 157).

52. Steven Gray is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 159).

53. Stephan Green is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 161).

54. William Green is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 163).

55. Paul Harris is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 165).

56. Willie Hill, Jr. is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 167).

57. Kevin Hodges is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 169).

58. Darryl Holloway is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 171).

59. Robert Holman is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 173).

60. Cornelius Paxton is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 175).

61. Charles Williams is, and at the time of the filing of this action was, a citizen of Illinois. (Compl. at ¶ 177).

62. Joseph Morast is, and at the time of the filing of this action was, a citizen of New York. (Compl. at ¶ 179).

63. Anthony Mosca is, and at the time of the filing of this action was, a citizen of New York. (Compl. at ¶ 181).

64. Gregory Turner is, and at the time of the filing of this action was, a citizen of New York. (Compl. at ¶ 183).

65. Thomas R. Davison, Jr. is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 185).

66. Jerome DeLoach is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 187).

67. Marcus Delouth is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 189).

68. Anthony Diaz is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 191).

69. Eugene Diggs III is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 193).

70. Charles Dill, is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 195).

71. Charles Dillihay is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 197).

72. Charles Dillon is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 199).

73. John Ditalia is, and at the time of the filing of this action was, a citizen of Massachusetts. (Compl. at ¶ 201).

74. Darryl Dockery is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 203).

75. Sylvester Dotson is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 205).

76. Robert Douglas is, and at the time of the filing of this action was, a citizen of Mississippi. (Compl. at ¶ 207).

77. Cary Dukes is, and at the time of the filing of this action was, a citizen of Indiana. (Compl. at ¶ 209).

78. Mark Dukes is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 211).

79. Kurt Dumesnil is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 213).

80. Ronnie Duncan is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 215).

81. Desmond Eason is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 217).

82. Sean Eason is, and at the time of the filing of this action was, a citizen of Mississippi. (Compl. at ¶ 219).

83. Ron Eastman is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 221).

84. Tim Edwards is, and at the time of the filing of this action was, a citizen of Delaware. (Compl. at ¶ 223).

85. Charles Edwards is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 225).

86. Chauncey Ellison is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 227).

87. Grealin Ely is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 229).

88. Kevin Emery is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 231).

89. Clinton Erickson is, and at the time of the filing of this action was, a citizen of Montana. (Compl. at ¶ 233).

90. Robert Ernst is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 235).

91. Michael Escalante is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 237).

92. Johnston Esechie is, and at the time of the filing of this action was, a citizen of Arizona. (Compl. at ¶ 239).

93. Bobbie Evans Jr is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 241).

94. Henry Farr is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 243).

95. Kerry Farr is, and at the time of the filing of this action was, a citizen of Arkansas. (Compl. at ¶ 245).

96. Edward Faulk is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 247).

97. Eriel Favors is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 249).

98. Alexander Fears is, and at the time of the filing of this action was, a citizen of Mississippi. (Compl. at ¶ 251).

99. David Feaster, is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 253).

100. Ben Fernandez is, and at the time of the filing of this action was, a citizen of Colorado. (Compl. at ¶ 255).

101. Lee Ferrier is, and at the time of the filing of this action was, a citizen of Oklahoma. (Compl. at ¶ 257).

102. Aramis Figueroa is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 259).

103. Aaron Finney is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 261).

104. Alberto Flores is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 263).

105. Cecil Fomby is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 265).

106. Steven Foreman is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 267).

107. Louis Joseph Forns is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 269).

108. Raymond Forster is, and at the time of the filing of this action was, a citizen of Mississippi. (Compl. at ¶ 271).

109. Edward Fouchia is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 273).

110. Mark Fowlkes is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 275).

111. Bryan Freitas is, and at the time of the filing of this action was, a citizen of Rhode Island. (Compl. at ¶ 277).

112. William Fryer is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 279).

113. Allen Gaines is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 281).

114. Nelson Garcia is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 283).

115. Lonnie Garner is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 285).

116. 287 Andrew Garraway is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 287).

117. James O. Gates is, and at the time of the filing of this action was, a citizen of Mississippi. (Compl. at ¶ 289).

118. Ms. Karen George is, and at the time of the filing of this action was, a citizen of Tennessee. (Compl. at ¶ 291).

119. Charlie Gibson is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 293).

120. Charles Giles is, and at the time of the filing of this action was, a citizen of Oregon. (Compl. at ¶ 295).

121. Robert Gipson is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 297).

122. Keith Gleeton is, and at the time of the filing of this action was, a citizen of Mississippi. (Compl. at ¶ 299).

123. Keith Goforth is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 301).

124. Ronald Golnick is, and at the time of the filing of this action was, a citizen of Colorado. (Compl. at ¶ 303).

125. Robert Gonzales is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 305).

126. Larry Goodman is, and at the time of the filing of this action was, a citizen of Wisconsin. (Compl. at ¶ 307).

127. Gregory Granberry is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 309).

128. Patrick Gray is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 311).

129. William Green is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 313).

130. Michael Greene is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 315).

131. Albert Lee Gregory is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 317).

132. Ronnie Gregory is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 319).

133. Matthew Griffin is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 321).

134. Paul Griffin is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 323).

135. Ronald Guerrero is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 325).

136. Karl Gunther is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 327).

137. Al Guyton is, and at the time of the filing of this action was, a citizen of New Jersey. (Compl. at ¶ 329).

138. Raymond Guzman is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 331).

139. Terry Haig is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 333).

140. Derrick Hall is, and at the time of the filing of this action was, a citizen of New Jersey. (Compl. at ¶ 335).

141. Gerald Hall is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 337).

142. Johnny Hall is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 339).

143. Ms. Keith Hamilton is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 341).

144. Robert Hampton Sr. is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 343).

145. Anthony Hampton is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 345).

146. Robert Hamrick is, and at the time of the filing of this action was, a citizen of West Virginia. (Compl. at ¶ 347).

147. Ms. Kim Hardmon is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 349).

148. Mike Harm is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 351).

149. Luther Harris is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 353).

150. Sidney Harris is, and at the time of the filing of this action was, a citizen of Maryland. (Compl. at ¶ 355).

151. Michael Harris is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 357).

152. Pierre Harrison is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 359).

153. Dwayne Harvey is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 361).

154. Larry Hatfield is, and at the time of the filing of this action was, a citizen of Tennessee. (Compl. at ¶ 363).

155. Frederick Hawkins is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 365).

156. Paul Haynes is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 367).

157. Stephen Heffner is, and at the time of the filing of this action was, a citizen of Colorado. (Compl. at ¶ 369).

158. Paul Henderson is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 371).

159. Steven Henderson is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 373).

160. George Hennion is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 375).

161. Harold Hensley is, and at the time of the filing of this action was, a citizen of West Virginia. (Compl. at ¶ 377).

162. Hector M Hernandez is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 379).

163. James Higginbotham is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 381).

164. Hasting Hightower is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 383).

165. Kenneth Hills is, and at the time of the filing of this action was, a citizen of Idaho. (Compl. at ¶ 385).

166. Cesar Hinojosa is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 387).

167. Ronald Hishaw is, and at the time of the filing of this action was, a citizen of Oklahoma. (Compl. at ¶ 389).

168. Darwin Hodges is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 391).

169. Donnie Holden is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 393).

170. Ronald Holder is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 395).

171. Greg Holmes is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 397).

172. Calvin Hooker is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 399).

173. Julius Houston is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 401).

174. Donald Howard is, and at the time of the filing of this action was, a citizen of Oklahoma. (Compl. at ¶ 403).

175. Lawrence Howard is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 405).

176. Nathan Howard is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 407).

177. Frank Hoydick is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 409).

178. Willie Hudson is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 411).

179. Randall Huggins is, and at the time of the filing of this action was, a citizen of South Carolina. (Compl. at ¶ 413).

180. Jeffrey Hughes is, and at the time of the filing of this action was, a citizen of Wisconsin. (Compl. at ¶ 415).

181. Charles Humphrey is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 417).

182. Marvin Hunter is, and at the time of the filing of this action was, a citizen of Kansas. (Compl. at ¶ 419).

183. Barry Hunter is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 421).

184. Kevin Hurley is, and at the time of the filing of this action was, a citizen of New Hampshire. (Compl. at ¶ 423).

185. James Ingram is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 425).

186. Billy Ishup is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 427).

187. Hampton Isom is, and at the time of the filing of this action was, a citizen of Washington. (Compl. at ¶ 429).

188. Willie Jackson is, and at the time of the filing of this action was, a citizen of Massachusetts. (Compl. at ¶ 431).

189. Baxter Jackson is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 433).

190. Debra Jackson is, and at the time of the filing of this action was, a citizen of Minnesota. (Compl. at ¶ 435).

191. Mike Jacobi is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 437).

192. Shahab Jamy is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 439).

193. Kevin Jefferson is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 441).

194. Houston Jefferson is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 443).

195. Kenny Jenkins is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 445).

196. Vincent Jenkins is, and at the time of the filing of this action was, a citizen of South Carolina. (Compl. at ¶ 447).

197. Clarence Johnican is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 449).

198. James Johnson is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 451).

199. Bernard Johnson is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 453).

200. Terrell Johnson is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 455).

201. Willard W. Johnson is, and at the time of the filing of this action was, a citizen of Tennessee. (Compl. at ¶ 457).

202. Elisha Johnson is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 459).

203. Graydon Johnson is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 461).

204. Greg Johnson, is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 463).

205. Johnny Johnson is, and at the time of the filing of this action was, a citizen of Maryland. (Compl. at ¶ 465).

206. Robert Johnson is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 467).

207. Rocky Johnson is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 469).

208. Weldon Johnson is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 471).

209. Anthony Jones is, and at the time of the filing of this action was, a citizen of Tennessee. (Compl. at ¶ 473).

210. Cary Jones is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 475).

211. Charles R. Jones is, and at the time of the filing of this action was, a citizen of Nebraska. (Compl. at ¶ 477).

212. Darrell Jones is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 479).

213. Karl Jones, is, and at the time of the filing of this action was, a citizen of Indiana. (Compl. at ¶ 481).

214. Kenny Jones is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 483).

215. Michael Jones is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 485).

216. Richard Jones is, and at the time of the filing of this action was, a citizen of Massachusetts. (Compl. at ¶ 487).

217. Ronald C. Jones is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 489).

218. Anthony Jones is, and at the time of the filing of this action was, a citizen of Tennessee. (Compl. at ¶ 491).

219. Egbert Jones is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 493).

220. Gregory Jones is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 495).

221. James Earl Jones is, and at the time of the filing of this action was, a citizen of Kansas. (Compl. at ¶ 497).

222. Robert Jones is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 499).

223. Sterling Jones is, and at the time of the filing of this action was, a citizen of Louisiana. (Compl. at ¶ 501).

224. Thomas Jones is, and at the time of the filing of this action was, a citizen of Maryland. (Compl. at ¶ 503).

225. Bobby Jordan is, and at the time of the filing of this action was, a citizen of New Jersey. (Compl. at ¶ 505).

226. Joel Jordan is, and at the time of the filing of this action was, a citizen of Oregon. (Compl. at ¶ 507).

227. Paul Kelly is, and at the time of the filing of this action was, a citizen of Massachusetts. (Compl. at ¶ 509).

228. Kip Kennedy, is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 511).

229. James Kerkondis is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 513).

230. Marcus Kimbrough is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 515).

231. Otis King Jr., is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 517).

232. Dennis Kitchen is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 519).

233. Clinton Kitchens is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 521).

234. Michael Knox is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 523).

235. John Krahling is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 525).

236. Dan Kraus is, and at the time of the filing of this action was, a citizen of Delaware. (Compl. at ¶ 527).

237. Patrick Kuta is, and at the time of the filing of this action was, a citizen of Minnesota. (Compl. at ¶ 529).

238. William Lafferty is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 531).

239. Zachary Larue is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 533).

240. Paul Latour is, and at the time of the filing of this action was, a citizen of Massachusetts. (Compl. at ¶ 535).

241. William Lawlor is, and at the time of the filing of this action was, a citizen of Tennessee. (Compl. at ¶ 537).

242. Jason Layhue is, and at the time of the filing of this action was, a citizen of Ohio. (Compl. at ¶ 539).

243. Kenneth Lee is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 541).

244. Mike Lefever is, and at the time of the filing of this action was, a citizen of Nevada. (Compl. at ¶ 543).

245. Roderick Lett is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 545).

246. Earl Levels is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 547).

247. Anthony Lewis is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 549).

248. Llewellyn Lewis is, and at the time of the filing of this action was, a citizen of Wisconsin. (Compl. at ¶ 551).

249. Curtis Lilly is, and at the time of the filing of this action was, a citizen of North Carolina. (Compl. at ¶ 553).

250. Joseph Lines, is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 555).

251. Curtis Little is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 557).

252. Jessie Logan is, and at the time of the filing of this action was, a citizen of Mississippi. (Compl. at ¶ 559).

253. Arnel Long, is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 561).

254. Gary Long is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 563).

255. Ralph Long is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 565).

256. Filiberto Lopez is, and at the time of the filing of this action was, a citizen of Arizona. (Compl. at ¶ 567).

257. Edwin Lopez is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 569).

258. Herman Lucero is, and at the time of the filing of this action was, a citizen of Arizona. (Compl. at ¶ 571).

259. Emmitt Lockett is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 573).

260. Phil Lund is, and at the time of the filing of this action was, a citizen of Colorado. (Compl. at ¶ 575).

261. Justin Lynn is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 577).

262. Kenneth Madden is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 579).

263. Jerry Maddox, is, and at the time of the filing of this action was, a citizen of Georgia. (Compl. at ¶ 581).

264. Joe Madkins is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 583).

265. Anthony Maffei is, and at the time of the filing of this action was, a citizen of Pennsylvania. (Compl. at ¶ 585).

266. Bob Major is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 587).

267. Kenneth Manfredi is, and at the time of the filing of this action was, a citizen of Texas. (Compl. at ¶ 589).

268. Dallas Manuel II is, and at the time of the filing of this action was, a citizen of Florida. (Compl. at ¶ 591).

269. Larry Marchbanks is, and at the time of the filing of this action was, a citizen of Michigan. (Compl. at ¶ 593).

270. Alfredo Mares is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 595).

271. Roderick L. Marshall is, and at the time of the filing of this action was, a citizen of California. (Compl. at ¶ 597).

272. William Marshall is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 599).

273. Donald J. Martin is, and at the time of the filing of this action was, a citizen of Alabama. (Compl. at ¶ 601).

274. Ernest M. Martin is, and at the time of the filing of this action was, a citizen of Virginia. (Compl. at ¶ 603).

275. Kelvin Martin is, and at the time of the filing of this action was, a citizen of Colorado. (Compl. at ¶ 605).

276. The forum defendant rule is not applicable to removal of mass actions. 28 U.S.C. § 1453(b).

III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED.

277. Combe timely filed this Notice of Removal within 30 days of service of the Amended Complaint. Defendants have not been served with the Amended Complaint more than 30 days prior to this filing. Therefore, removal is timely pursuant to 28 U.S.C. § 1446(b).

278. The United States District Court for the Southern District of Illinois embraces St. Clair County, where the state court complaints were initially filed, and therefore removal to this Court is proper. 28 U.S.C. §§ 93(c), 1441(a).

279. All process, pleadings, and orders served on Combe are attached as Exhibit A.

280. Pursuant to 28 U.S.C. § 1446(d), Combe is serving copies of this Notice on plaintiffs' counsel and filing a copy of this Notice with the Clerk of the Circuit Court of St. Clair County, Illinois.

IV. NO CAFA EXCEPTION APPLIES.

281. Because Combe has demonstrated that this Court has jurisdiction under CAFA, plaintiffs bear the burden to prove any exception to jurisdiction. *Hart v. FedEx Ground Package Sys. Inc.*, 457 F.3d 675, 681 (7th Cir. 2006) (holding plaintiff bears burden to establish to establish local controversy or other exceptions to CAFA jurisdiction). No exception set forth in 28 U.S.C. § 1332(d)(11)(B)(ii) applies.

282. First, plaintiffs are citizens of states from across the country. They do not contend that all of their alleged injuries occurred in Illinois or adjacent states. *See* 28 U.S.C. § 1332(d)(11)(B)(ii)(I). To the contrary, this nationwide mass action involves alleged injuries from across the country.

283. Second, plaintiffs joined their claims by filing one Complaint. Defendants have not moved to join these claims. *See* 28 U.S.C. § 1332(d)(11)(B)(ii)(II).

284. Third, the claims in this action are not alleged on behalf of the general public “pursuant to a State statute specifically authorizing such action.” *See* 28 U.S.C. § 1332(d)(11)(B)(ii)(III).

285. Fourth, by filing one Complaint, Plaintiffs did not consolidate their claims only for pre-trial purposes. *See supra* IIA.

286. Finally, jurisdiction is mandatory under CAFA; not discretionary. Less than one third of plaintiffs are citizens of Illinois making the local controversy exception set forth in 28 U.S.C. § 1332(d)(4) inapplicable.

WHEREFORE, Defendants Combe Incorporated, Combe Products, Inc., Combe Laboratories, Inc., and Combe International, Ltd. (“Combe”) respectfully remove this action pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453 from the Circuit Court of St. Clair County, Illinois to the United States District Court for the Southern District of Illinois.

Respectfully submitted,

BRYAN CAVE LLP

By: /s/ Stephen G. Strauss

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sgstrauss@bryancave.com
samallen@bryancave.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 2016, a copy of the foregoing was served via U.S. mail, first-class postage prepaid, to the following counsel and filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system on all counsel of record:

John J. Driscoll
Philip Sholtz
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Richard W. Schulte
WRIGHT & SCHULTE, LLC
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Vandalia, Ohio 45377

Attorneys for Plaintiffs

/s/ Stephen G. Strauss